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6 *Cirrus Design Corporation*

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 CIRRUS AVIATION SERVICES, LLC,
10 Plaintiff/Counter-Defendant,
11 v.
12 CIRRUS DESIGN CORPORATION,
13 Defendant/Counter-Claimant.

Case No. 2:16-cv-02656-JAD-GWF

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND CASE
MANAGEMENT DEADLINES
(Third Request)**

15 Pursuant to Local Rules 7-1 and 26-4, Plaintiff Cirrus Aviation Services, LLC
16 (“Cirrus Aviation”) and Defendant Cirrus Design Corporation d/b/a Cirrus Aircraft (“Cirrus
17 Aircraft”), by and through their respective counsel, hereby agree and stipulate to extend
18 certain case management deadlines set forth in the Court’s Scheduling Order (ECF No. 30)
19 and Order Granting Stipulation to Extend Discovery Deadlines (ECF No. 35) for a period of
20 45 days. This is the parties’ third request for an extension of time. Two prior extensions have
21 been granted. The parties’ stipulation is supported by the following:

22 **I. Good Cause.**

23 Good cause for the requested extensions of time exists. The Parties have worked
24 diligently to meet the Court-ordered fact discovery deadline of May 18, 2019. Both parties
25 have exchanged and requested document production, and are currently discussing dates to
26 complete depositions of lay and expert witnesses. The parties have encountered significant
27 deposition scheduling challenges on both sides, but are continuing to communicate and
28 attempting to cooperate in scheduling depositions.

1 Shortly after the second extension was granted by this Court on January 30, 2019,
2 Defendant Cirrus Aircraft began trying to find available dates for the 30(b)(6) corporate
3 deposition of Cirrus Design noticed by Plaintiff Cirrus Aviation. Cirrus Aircraft's efforts to
4 find dates for that deposition was complicated by several factors, including the following:

- 5 • The list of topics identified by Cirrus Aviation for the 30(b)(6) deposition was
6 lengthy and detailed, encompassing 29 separate topics. Cirrus Aircraft
7 determined that the most appropriate witnesses to represent it were three high-
8 ranking executives, including its President of Customer Experience and SVP
9 of Sales and Marketing, all of whom maintain extremely busy travel
10 schedules;
- 11 • Cirrus Aircraft sought back-to-back dates when all three corporate designees
12 could be available in the same city, assuming that the deposition would take
13 two days to complete;
- 14 • Many of the most time-consuming and important events on Cirrus Aircraft's
15 2019 calendar occur during the first four months of the year and require
16 extensive preparation and travel, including widely-attended air shows in
17 Florida and Germany and Cirrus Aircraft's own board meeting in China,
18 among other business commitments. The business responsibilities of the
19 proposed 30(b)(6) corporate designees require their attendance at these
20 events;
- 21 • Cirrus Aircraft determined that the three corporate designees could first be
22 available on consecutive dates on April 30 and May 1, 2019. Cirrus Aircraft
23 proposed that Cirrus Aviation hold the deposition on those dates in Knoxville,
24 Tennessee, where two of the designees are based;
- 25 • Counsel for Cirrus Aviation was unavailable on April 30 and May 1, so Cirrus
26 Aircraft cleared and proposed alternate dates, May 9 and 10, and
27 cooperatively agreed to conduct the deposition in Las Vegas, Nevada, where
28 Cirrus Aviation's counsel is based. Cirrus Aviation expressed concerns that

1 all of these proposed dates would result in the deposition occurring shortly
2 before discovery currently closes on May 19, 2019 and would not provide
3 adequate time for any follow-up discovery after the 30(b)(6) deposition.
4 While Cirrus Aviation is potentially amenable to taking the depositions on
5 May 9 and 10 in Las Vegas, agreement to do so is contingent on the extensions
6 contemplated in this stipulation being granted.

7 Cirrus Aviation has also encountered challenges in scheduling dates for the
8 depositions that Cirrus Aircraft wants to take of Cirrus Aviation's current and past
9 executives:

- 10 • Cirrus Aircraft has requested that that Cirrus Aviation provide available dates
11 for the depositions of Mark Woods, Greg Woods, and Milt Woods, all of
12 whom are identified in Cirrus Aviation's Initial Disclosures and/or in
13 documents produced in discovery as potential witnesses;
- 14 • On March 8, 2019, Cirrus Aircraft served a notice of FRCP 30(b)(6)
15 deposition on Cirrus Aviation. The notice identified 21 topics of inquiry plus
16 subparts. Cirrus Aviation anticipates that some combination of Mark Woods,
17 Greg Woods, Milt Woods, and potentially others will be designated to testify
18 on its behalf. Mark Woods and Milt Woods are pilots with variable work
19 schedules, while Greg Woods is generally available on Tuesday and
20 Wednesdays. Before pinning down dates for the individual depositions of
21 Mark, Greg, and Milt Woods, and before setting the Rule 30(b)(6) deposition
22 for Cirrus Aviation, Cirrus Aviation sought to establish the dates of Cirrus
23 Aircraft's deposition, which was noticed first.
- 24 • Because the parties anticipate the distinct possibility of needing to take other
25 depositions, based on the testimony obtained during the initial depositions
26 identified above, the parties determined that taking these initial depositions
27 near the end of the existing discovery period would likely lead to difficulties
28 in completing discovery under the current deadlines.

1 In addition, counsel for both parties, including lead counsel, have been extremely
2 busy with other matters in early 2019, including lengthy jury trials for both Defendant's lead
3 counsel and Plaintiff's lead counsel.

4 The parties now jointly seek to extend the deadline for the close of discovery by 45
5 days, from May 18, 2019 to July 2, 2019, and to adjust all case deadlines accordingly.

6 **II. Statement Specifying the Discovery Completed to Date.**

7 The parties have completed the following phases of discovery:

- 8 • The parties held their Rule 26(f) conference on May 22, 2018.
- 9 • The parties exchanged their Rule 26(a)(1) disclosures on June 16, 2018.
- 10 • The parties have exchanged and requested written discovery and relevant
11 documents, and supplemented these documents where necessary throughout
12 the discovery period.
- 13 • The parties submitted their Interim Status Report on December 19, 2018.
- 14 • Cirrus Aviation has submitted its Initial Expert Disclosure.
- 15 • Cirrus Aircraft has submitted a Rebuttal Expert Disclosure.

16 **III. A Specific Description of the Discovery that Remains to be Completed.**

17 The parties must still take lay witness and expert witness depositions. It is possible
18 that additional document discovery (via FRCP 34 or FRCP 45) may be required after
19 depositions are taken.

20 The parties are still engaged in discussions regarding written discovery, and each
21 party has raised issues about the other party's discovery responses and document production,
22 which they are attempting to resolve.

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1 **IV. A Proposed Schedule for Completing all Remaining Discovery.**

2 The parties propose the following extensions of deadlines set forth in the Order
3 Granting Stipulation to Extend Discovery Deadlines:

Event	Current Date	Parties' Stipulated Proposal
Close of fact discovery (LR 26-2)	May 18, 2019	July 2, 2019
Last day to file dispositive motions (Fed. R. Civ. P. 56(b); LR 7-2(e); LR 26-1(e)(4))	June 16, 2019	August 2, 2019
Motions <i>in limine</i> due (LR 16-3)	30 days prior to trial	30 days prior to trial
Joint Pretrial Order due (LR 26-1)	July 16, 2019	September 6, 2019

12 **IT IS SO AGREED AND STIPULATED** this 15th day of March, 2019:

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21 **IT IS SO ORDERED:**

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24 UNITED STATES MAGISTRATE JUDGE

25 DATED: 3/18/2019